

# **EXHIBIT 1**

**Saka, Joseph**

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**From:** Saka, Joseph  
**Sent:** Tuesday, November 12, 2013 7:24 PM  
**To:** Matthew Dendinger (mdendinger@ljwllp.com)  
**Subject:** Progressive v. Delaney, et al.: FDIC-R Search Terms  
**Attachments:** DSMDB-#3201544-v4-FDIC\_Sun\_West\_ESI\_Search\_Terms.DOCX

Matt,

Per the ESI Protocol, attached please find the FDIC as receiver for Sun West Bank's proposed search terms to be applied to Progressive's ESI. We understand that some of the search terms on this list were previously agreed to by Progressive in the lawsuits involving FDIC as Receiver for Omni National Bank or the FDIC as Receiver for Silver State Bank. Please confirm that the universe of Progressive's ESI has not changed and that you will be providing us with the documents resulting from the search terms that were previously agreed to by Progressive in the lawsuits involving FDIC as Receiver for Omni National Bank or the FDIC as Receiver for Silver State Bank. Assuming confirmation (and reserving all of our rights on this issue), Progressive need only search the first 58 terms on the list. Per the ESI protocol, and to the extent necessary, we ask that you please provide any hit reports by the end of the week. Additionally, we understand that Progressive has the ability to determine how many of the results are unique against those documents that already have been retrieved. We ask that you also please provide that information with respect to these search terms.

Should you have any questions about the format of the FDIC-R's search terms, please let us know.

Best regards,  
Joe

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**FDIC AS RECEIVER FOR SUN WEST BANK'S**  
**PROPOSED ESI SEARCH TERMS**

Please run the following search strings across all of Progressive's searchable ESI (categories 1 and 2 in the ESI Protocol).

1. "Sun West"
2. \* swbnevada.com
3. swbnevada.com
4. "West Flamingo"
5. delaney
6. larry w/3 carter
7. mark w/3 stout
8. Ken\* w/3 Templeton
9. Hugh\* w/3 Templeton
10. Dreschler
11. Shively
12. Kalb
13. Snyder
14. "Brown and Brown"
15. "Brown & Brown"
16. 0001220\*
17. 34785\*
18. ("FDIC" OR F.D.I.C. OR "Federal Deposit Insurance" OR "deposit insurance organization") w/50 Regulat!
19. ("FDIC" OR F.D.I.C. OR "Federal Deposit Insurance" OR "deposit insurance organization") w/10 claim!
20. ("FDIC" OR F.D.I.C. OR "Federal Deposit Insurance" OR "deposit insurance organization") w/10 action
21. ("FDIC" OR F.D.I.C. OR "Federal Deposit Insurance" OR "deposit insurance organization") w/30 confus!
22. ("FDIC" OR F.D.I.C. OR "Federal Deposit Insurance" OR "deposit insurance organization") w/30 ambig!
23. ("FDIC" OR F.D.I.C. OR "Federal Deposit Insurance" OR "deposit insurance organization") w/50 defin! w/50 insured
24. "Financial Institutions Reform, Recovery, and Enforcement Act"
25. Trustee w/10 cover!
26. Trustee w/10 insured
27. Form w/3 2906
28. ("regulators" OR "government!" OR receiver!) near20 ("enforcement")
29. Reg! w/2 (sub-limit OR Limit OR sublimit)

30. "on behalf of" w/10 (confus! Or purpose OR Defin!)
31. Fail! w/3 bank
32. loss w/4 loan!
33. "loan" w/5 Default!
34. (Repay or repaid or repayment) w/5 loan
35. Borrower w/5 default!
36. "unpaid loan"
37. "unrecoverable loan"
38. "extension of credit"
39. "forgiveness of debt"
40. cover! w/20 Loss w/20 loan!
41. value w/3 loan!
42. Insur! w/20 (negligen! Or mismanage! Or unpaid or "charged off" or charged-off) /20 lending
43. Cover! w/20 (negligen!or mismanang! Or unpaid or "charged off" or charged-off) w/20 lending
44. (Undewrit! w/5 (Committee OR Minutes OR Meeting OR training OR guidelines OR manual OR session!)) AND (Ambig! OR Confus! OR Receiver!)
45. ("PLG" w/10 (Committee OR Minutes OR Meeting OR training OR guidelines OR manual OR session!)) AND (Ambig! OR Confus! OR Receiver)
46. ((lisa w/2 kelly) or LKelly!) AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
47. (Steele OR TSteele! OR SteeleT!) AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance" OR "Site-Visit" OR "On-Site Review" OR "Audit" or non-renew! or cancel!)
48. (Richard w/3 White) AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
49. (John w/3 Manor) AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
50. (Stephen w/3 Wilson) AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
51. Wolff AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
52. Tcawley! AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
53. jwells! AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
54. GJuhnke! AND (Regulator! OR Receiver OR "FDIC" OR F.D.I.C. OR "deposit insurance organization" OR "Federal Deposit Insurance")
55. Reinsur! AND ("FDIC" OR F.D.I.C. OR "Federal Deposit Insurance" OR Receiver! OR "Regulator!")

56. (Claims w/5 (Committee OR Minutes OR Meeting OR training OR guidelines OR manual OR session!)) AND (“Loss” OR Ambig! OR Confus! OR Regulator! OR Receiver OR “FDIC” OR F.D.I.C. OR “deposit insurance organization” OR “Federal Deposit Insurance”))
57. (Risk w/5 (Committee OR Minutes OR Meeting OR training OR guidelines OR manual OR session!)) AND (“Loss” OR Ambig! OR Confus! OR Regulator! OR Receiver OR “FDIC” OR F.D.I.C. OR “deposit insurance organization” OR “Federal Deposit Insurance”))
58. (“Board of Directors” w/20 (Committee OR Minutes OR Meeting OR training OR guidelines OR manual OR session!)) AND (“Loss” OR Ambig! OR Confus! OR Regulator! OR Receiver OR “FDIC” OR F.D.I.C. OR “deposit insurance organization” OR “Federal Deposit Insurance”))
59. (“Insured vs. Insured” OR “Insured vs Insured” OR “Insured v. Insured” OR “Insured v Insured” OR “IVI” OR “Insured against Insured” OR “Insured versus Insured” OR “I vs. I” “I v. I”)
60. (“FDIC” OR F.D.I.C. OR “Federal Deposit Insurance” OR “deposit insurance organization”) w/50 Capacit!
61. (“FDIC” OR F.D.I.C. OR “Federal Deposit Insurance” OR “deposit insurance organization”) w/100 Receiver!
62. (“FDIC” OR F.D.I.C. OR “Federal Deposit Insurance” OR “deposit insurance organization”) w/200 (bank w/3 fail!)
63. (“FDIC” OR F.D.I.C. OR “Federal Deposit Insurance” OR “deposit insurance organization”) w/50 cover!
64. (“FDIC” OR F.D.I.C. OR “Federal Deposit Insurance” OR “deposit insurance organization”) w/50 exclu!
65. (“FDIC” OR F.D.I.C. OR “Federal Deposit Insurance” OR “deposit insurance organization”) w/10 lawsuit!
66. (“FDIC” OR F.D.I.C. OR “Federal Deposit Insurance” OR “deposit insurance organization”) w/10 suit
67. “FIRREA”
68. Receiver w/10 exclu!
69. Receiver w/10 cover!
70. Receiver w/10 insur!
71. Receiver /20 suit
72. Receiver /20 lawsuit
73. Receiver w/20 action
74. Regulator! w/10 Exclu!
75. Regulator! w/10 cover!
76. Regulator! w/10 insur!
77. Regulator! /20 suit

78. Regulator! /20 lawsuit
79. Regulator! w/20 action
80. Agency /10 exclu!
81. “by, on behalf of, or at the behest of”
82. “on behalf of” w/10 (confus! Or purpose OR Defin!)
83. Insolv! w/3 bank
84. “High risk bank”
85. “Special risk bank”
86. Ambigu! /20 loss
87. Carve-out w/10 loss
88. “Carve out” w/10 loss
89. Carveout w/10 loss
90. cover! /20 outstanding /20 loan!
91. cover! /20 unpaid /20 loan!
92. charged-off w/20 loan!
93. “Unpaid, unrecoverable or outstanding loan”
94. (“Directors & Officers” OR “Directors and Officers” OR “Ds&Os” OR “D&O” OR “D&Os” OR “D & O” OR “D & Os” OR “Ds & Os” OR “professional liability” OR “PLG”) AND (“coverage summary” OR “coverage summaries” OR “key changes” OR “claim example!” OR “claims example!” OR “policy features” OR “key features” OR “handbook”)
95. “coverage summary handbook”
96. Underwrit! AND (Regulator OR Receiver OR “FDIC” OR F.D.I.C. OR “deposit insurance organization” OR “Federal Deposit Insurance”) AND (“Directors & Officers” OR “Directors and Officers” OR “Ds&Os” OR “D&O” OR “D&Os” OR “D & O” OR “D & Os” OR “Ds & Os” OR “professional liability” or “PLG”)
97. (“Summerville”) AND (“Loss” OR Ambig! OR Confus! OR Regulator! OR Receiver OR “FDIC” OR F.D.I.C. OR “deposit insurance organization” OR “Federal Deposit Insurance”))
98. (“American Bankers Mutual Insurance” OR “ABMI” OR “American Bankers Professional Fidelity” OR “ABPFIC”) AND (Regulator OR Receiver OR “FDIC” OR F.D.I.C. OR “deposit insurance organization” OR “Federal Deposit Insurance”) AND (“Directors & Officers” OR “Directors and Officers” OR “Ds&Os” OR “D&O” OR “D&Os” OR “D & O” OR “D & Os” OR “Ds & Os” OR “professional liability” or “PLG”)